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EXAMINER

MESH, GENNADIY

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 18, 2008 has been entered.

Rejection is maintained as it was set forth in previous Office Action mailed on September 19, 2007, but altered due to amendment.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1,8 and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoyama et al.(US 6,365,659) in view of Naylor et al.(WO 97/47675) combine with Kato et al.(US 6,680,353).

1.1. Regarding Claims 1 and 18 Aoyama discloses polyester composition and films, including laminate (see lines 10 – 26,column 11) , comprising preferably from 3ppm to 50 ppm of titanium oxide (see lines 45-49,column 4 and), wherein particle may have equivalent circular diameter more than 1 micron(see line 36,column 3) and phosphorous in the preferable amount from 3 ppm to 100 ppm. Titanium particles are

used as a polymerization catalyst and can be present as complex oxide with silicon – (see lines 30 – 40, column 4).

As it was discussed above Aoyama discloses that titanium oxide catalyst could have different structures(see lines 1-5, column 5) including alkoxy groups, but silent about specific groups as, for example, residue from hydroxycarboxylic acids as it claimed by Applicant.

However, use of titanium catalysts prepared by reaction of the titanium as alkyl titanate with lactic or citric acids taught by Naylor et al (WO 97/47675) – see pages 11 and 12.

Naylor teach that this type of titanium catalyst is preferable for production of film or bottle grades polyester resins, because it allowed produce resin with low haze value and good color, due to elimination of precipitation inorganic titanium compounds as titanium dioxide (see page 3, third paragraph).

Therefore, it would have been obvious to ordinary skill in the art at the time of the invention to use specific titanium catalyst per teaching of Naylor in order to obtain composition disclosed by Aoyama with better (low) haze and color (white hue).

1.2. As it was discussed above Aoyama in view of Naylor disclosed use of phosphorus based compounds, but silent about specific compound as ethyl diethylphosphonoacetate.

However, Kato teach that this specific compound is preferable in view of “the excellent effects of coloring prevention and melt stability” – see lines 23-45,column 8.

Therefore, it would have been obvious to ordinary skill in the art at the time of the invention to use ethyl diethylphosphonoacetate in polyester resin composition in order to obtain polymer with good color and melt stability.

1.3. Regarding Claim 8: see Aoyama column 5, lines 1-5.

Regarding Claim 13: see Aoyama column 7, lines 3-9.

Regarding Claims 14 and 15 Aoyama discloses that composition can comprise alkaline earth metal, including magnesium, in preferable range of 10 ppm to 100 ppm see lines 19 – 30, column 6 and Table 1, Example 3.

Regarding Claim 16: as substantially same, composition disclosed by Aoyama in view of Naylor combine with Kato will have substantially same properties, including volume receptivity because it comprises same type and quantity of conductive particles.

2. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aoyama et al. (US 6,365,659) in view of Naylor et al. (WO 97/47675) combine with Kato et al. (US 6,680,353) as it applied to claims 1, 8 and 13-18 above, and in further view of Uchida et al. (US 6,670,030).

As it was discussed above Aoyama in view of Naylor combine with Kato discloses use of the polyester composition for laminate films, but silent about magnetic recording laminated film.

However, polyester films routinely used for base layer of magnetic recording films.

For example, Uchida discloses that biaxial oriented laminate polyester film can be used for recording medium due to excellent running durability (see abstract). Therefore, it would have been obvious to ordinary skill in the art at the time of the invention to use polyester composition disclosed Aoyama in view of Naylor combine with Kato for recording medium laminated film as it taught by Uchida.

Response to Arguments

Applicant's arguments with respect to claims 1.8 and 13-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

THIS ACTION IS NOT MADE FINAL.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GENNADIY MESH whose telephone number is (571)272-2901. The examiner can normally be reached on 10 a.m - 6 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272 1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1796

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Art Unit 1796

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